

118TH CONGRESS
1ST SESSION

H. R. 5801

To ensure that expenses relating to the acquisition or use of devices for use in the detection of fentanyl, xylazine, and other emerging adulterant substances, including test strips, are allowable expenses under certain grant programs.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2023

Mr. GOTTHEIMER (for himself, Mr. BACON, and Mr. GALLEGO) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To ensure that expenses relating to the acquisition or use of devices for use in the detection of fentanyl, xylazine, and other emerging adulterant substances, including test strips, are allowable expenses under certain grant programs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Preventing Overdoses
5 with Test Strips Act”.

1 **SEC. 2. AMENDING THE 21ST CENTURY CURES ACT TO AU-**
2 **THORIZE THE USE OF FUNDS FOR DEVICES**
3 **FOR USE IN THE DETECTION OF FENTANYL,**
4 **XYLAZINE, AND OTHER EMERGING**
5 **ADULTERANT SUBSTANCES.**

6 Section 1003 of the 21st Century Cures Act (42
7 U.S.C. 290ee–3a) is amended—

8 (1) in subsection (b)(4), by adding at the end
9 the following:

10 “(G) Providing assistance for expenses re-
11 lating to the acquisition or use of adulterant
12 substance detection devices.”; and

13 (2) in subsection (h)—

14 (A) by redesignating paragraphs (1)
15 through (4) as paragraphs (2) through (5), re-
16 spectively; and

17 (B) by inserting before paragraph (2) (as
18 so redesignated), the following:

19 “(1) ADULTERANT SUBSTANCE DETECTION DE-
20 VICE.—The term ‘adulterant substance detection de-
21 vice’ means a device, including a test strip, that can
22 detect the presence of an adulterant, such as
23 fentanyl, xylazine, or another adulterant in a drug
24 sample prior to use of a controlled substance.”.

1 **SEC. 3. AMENDING THE PUBLIC HEALTH SERVICE ACT TO**
2 **AUTHORIZE THE USE OF FUNDS FOR DE-**
3 **VICES FOR USE IN THE DETECTION OF**
4 **FENTANYL, XYLAZINE, AND OTHER EMERG-**
5 **ING ADULTERANT SUBSTANCES.**

6 Part A of title V of the Public Health Service Act
7 (42 U.S.C. 290aa et seq.) is amended by adding at the
8 end the following:

9 **“SEC. 506B. USE OF FUNDS FOR DEVICES FOR USE IN THE**
10 **DETECTION OF FENTANYL, XYLAZINE, AND**
11 **OTHER EMERGING ADULTERANT SUB-**
12 **STANCES.**

13 “(a) **IN GENERAL.**—Expenses relating to the acquisi-
14 tion or use of adulterant substance detection devices shall
15 be allowable expenses under any grant, contract, or coop-
16 erative agreement entered into by the Substance Abuse
17 and Mental Health Services Administration under this
18 Act.

19 “(b) **DEFINITION.**—In this section, the term
20 ‘adulterant substance detection device’ means a device, in-
21 cluding a test strip, that can detect the presence of an
22 adulterant, such as fentanyl, xylazine, or another
23 adulterant in a drug sample prior to use of a controlled
24 substance.”.

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